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EXAMINER	
SOREY, ROBERT A	

ART UNIT	PAPER NUMBER
3626	

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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/749,099	MIHAI ET AL.	
	Examiner	Art Unit	
	ROBERT SOREY	3626	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *30 December 2003*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-28* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-28* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *30 December 2003* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date *08/06/2004, 06/27/2005, 09/16/2005, 06/23/2006*.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Information Disclosure Statement

1. Acknowledgement is hereby made of receipt of Information Disclosure Statement(s) filed by applicant on 06 August 2004.

2. Due to the excessively lengthy Information Disclosure Statement submitted by applicant, the examiner has given only a cursory review of the listed references. In accordance with MPEP 609.04(a), applicant is encouraged to provide a concise explanation of why the information is being submitted and how it is understood to be relevant. Concise explanations (especially those which point out the relevant pages and lines) are helpful to the Office, particularly where documents are lengthy and complex and applicant is aware of a section that is highly relevant to patentability, or where a large number of documents are submitted and applicant is aware that one or more are highly relevant to patentability. Applicant is also required to comply with this statement for any non-English language documents. See 37 CFR § 1.56 Duty to Disclose Information Material to Patentability.

Claim Rejections - 35 USC § 112

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

> The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. **Claim 15** is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

5. As per claim 15, Applicant states "the user interface" but there is no antecedent basis for this limitation in the claim. It is noted that a user interface is introduced in the preamble of the claim but such mention is insufficient to make it clear as to which interface is being implemented by the method since "the user interface" has not yet been brought into the limitations.

6. Further, claim 15 is rejected wholly again for reciting "providing for" for several conditions since this fails to amount to an actual method step and also fails to point out what components (presumably the components mentioned in the preamble, but this is not explicitly stated) are being utilized in the conditions "provid[ed] for".

Claim Rejections - 35 USC § 102

> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

7. **Claims 1-9, 11, 13-21, and 23-25** are rejected under 35 U.S.C. 102(e) as being anticipated by U.S. Patent Application Publication 2002/0038392 to De La Huerga.

8. As per claim 1, De La Huerga teaches a healthcare system for a care-giving facility, comprising:

--*a medical device* (Fig. 17, ele. 108; and Fig. 26, ele. 108a, 108b, 108c, and 108d)(see: De La Huerga, paragraphs 187, is met by IV pumps);

--*a user interface* (Fig. 17, ele. 106 and 123)(see: De La Huerga, paragraph 145, is met by display, keyboard, and mouse);

--a first central computer having a first database (Fig. 17, ele 103, 104, and 105; and Fig. 26, ele. 100a and 100b)(see: De La Huerga, paragraphs 145, 151, and 152, is met by infusion controller, its processor and memory) *and a first functional feature set associated with the data and functions related to the medical device and the user interface* (Fig. 18)(see: De La Huerga, paragraph 151, 152, and 167, is met by delivery parameters), *wherein the medical device and user interface communicate directly with first central computer* (see: De La Huerga, paragraph 145, 146, 147, and 149);

--a second central computer having a second database (Fig. 26, ele. 260; and Fig. 26A, ele. 620 and 622)(see: De La Huerga, paragraphs 192, 199, and 200, is met by controller and memory) *and a second functional feature set* (see: De La Huerga, paragraphs 211, 243, is met by alert activator, and indicator activation), *wherein the first central computer is securely connected to the second computer* (Fig. 26, ele. 255a and 255b)(see: De La Huerga, paragraph 149, 195, and 273, is met by the various networks), *wherein the medical device and the user interface do not communicate directly with the second central computer* (Fig. 17, ele. 100, 104, 123, 124, and 255; and Fig. 26, ele. 100a, 255a, and 260, is met by configuration of the controller, infusion controller, and the interface)(see: De La Huerga, paragraph 149, 151, and 211, is met by the controller activating an indicator via the infusion controller); *and*

--wherein the user interface can receive data from the second database relating to the second functional feature set of the second central computer through the first central computer (Fig. 17, ele. 104, 123, 124, and 255; Fig. 26, ele. 100a, 255a, and

260; and Fig. 26A, ele. 622)(see: De La Huerga, paragraph 149, 151, and 211, is met by the controller activating an indicator via the infusion controller).

9. As per claim 2, De La Huerga teaches the invention as claimed, see discussion of claim 1, and further teaches:

--the first functional feature set comprises at least one of a volumetric infusion pump feature (Fig. 17, ele. 108; and Fig. 26, ele. 108a, 108b, 108c, and 108d)(see: De La Huerga, paragraphs 187, is met by IV pumps), *and a syringe pump feature* (see: De La Huerga, paragraph 330, is met by syringe injectors).

10. As per claim 3, De La Huerga teaches the invention as claimed, see discussion of claim 1, and further teaches:

--the first functional feature set comprises at least one of a change pump channel feature, an administer infusion feature, a stop or discontinue infusion feature (Fig. 18)(see: De La Huerga, paragraph 150-152, 167, 173, 208, 210, 279, and 322, is met by delivery parameters adjustment, including duration, and "OFF" and "discontinue" options; and “stop and start” buttons)*, a resume infusion feature, and a remove pump feature*.

11. As per claim 4, De La Huerga teaches the invention as claimed, see discussion of claim 1, and further teaches:

--the second functional feature set comprises at least one of a patient management feature, an item management feature, a facility management feature, a messaging feature, an alarms/alerts feature (see: De La Huerga, paragraphs 211, 243, is met by alert activator, and indicator activation), *a billing interface feature, a formulary*

interface feature, a lab results interface feature, an inventory tracking feature, a clinician administration feature, an order entry feature, a pharmacy feature, a user interface feature, a user interface and clinician association feature, a volumetric infusion pump feature, and a syringe pump feature.

12. As per claim 5, De La Huerga teaches the invention as claimed, see discussion of claim 1, and further teaches:

--the first database comprises at least one of pump data (Fig. 18)(see: De La Huerga, paragraph 151, 152, 167, 208, 210, 273, and 322, is met by delivery parameters), *pump channel data, pump sub-channel data, order data, clinician data, patient data, user interface data, medical device data, hub data, titration data, comparison data, alarm data, escalation data, hub alarm data, pump alarm data, channel alarm data, and alarm history data.*

13. As per claim 6, De La Huerga teaches the invention as claimed, see discussion of claim 1, and further teaches:

--the second database comprises at least one of patient management data (Fig. 26, ele. 260; and Fig. 26A, ele. 622)(see: De La Huerga, paragraphs 192, 199, and 200, is met by memory with stored patient ID), *item management data, facility management data, messaging data, alarms/alerts data, inventory tracking data, a clinician administration data, order entry data, user interface and clinician association data.*

14. As per claim 7, De La Huerga teaches the invention as claimed, see discussion of claim 1, and further teaches:

--the first central computer is operably connected to the second computer through at least one of a dedicated TCP/IP hard-wired connection, a high speed, low latency virtual private network, and a public or shared infrastructure utilizing encryption through a fiber optic connection, a microware connection, or a high speed wireless connection (Fig. 26, ele. 100a, 100b, 255a, 255b, and 260)(see: De La Huerga, paragraphs 149, 194, 195, and 273, is met by wireless connections).

15. As per claim 8, De La Huerga teaches the invention as claimed, see discussion of claim 1, and further teaches:

--the second central computer sends data from the second database to the first central computer in a first standard protocol, and the first central computer sends the data to the user interface in a second standard protocol (Fig. 17, ele. 104, 123, 124, and 255; Fig. 26, ele. 100a, 255a, and 260; and Fig. 26A, ele. 622)(see: De La Huerga, paragraphs 145-151, 194, 195, and 211, the first protocol is met by communication between the interface and the first computer, and the second protocol is met by the plurality of protocols including: an Internet protocol, Bluetooth protocol, and IRDA protocol).

16. As per claim 9, De La Huerga teaches the invention as claimed, see discussion of claim 1, and further teaches:

--the second central computer sends second data from the second database to the first central computer, wherein the first central computer combines the second data with first data from the first database with the second data, and wherein the first central computer sends the combined fist and second data to the user interface for display on a

display of the user interface (Fig. 17, ele. 104, 123, 124, and 255; Fig. 26, ele. 100a, 255a, and 260; and Fig. 26A, ele. 622)(see: De La Huerga, paragraph 149-151, 211, 285, and 289-291, is met additional patient information obtained from remote facility server and displayed on interface screen; is met by the controller activating an indicator, or alert displaying patent's name, on the interface via the infusion controller; and is met by altering infusion status parameters displayed on the user interface with data entered at the controller or infusion controller).

17. As per claim 11, De La Huerga teaches the invention as claimed, see discussion of claim 1, and further teaches:

--the first central computer receives second data from the second database in the second central computer for use in a validation procedure (see: De La Huerga, paragraph 219, is met by infusion controller validating physician identification with information received from the controller).

18. As per claim 13, De La Huerga teaches the invention as claimed, see discussion of claim 1, and further teaches:

--the first central computer receives data from at least one of the user interface (see: De La Huerga, paragraph 290, is met by change of dose via the interface keypad) *and the medical device,*

--and determines whether the received data is valid in order to enable the first central computer to perform a further step (see: De La Huerga, paragraph 159 and 290, is met by changes to delivery instructions using the interface allowed if verified by the infusion controller as acceptable).

19. As per claim 14, De La Huerga teaches the invention as claimed, see discussion of claim 1, and further teaches:

--the first central computer sends operation data from at least one of the first database and the second database to the medical device for use in the operation of the medical device (see: De La Huerga, paragraph 149-151, is met by the infusion controller controlling the pump to infuse medications).

20. As per claim 15, De La Huerga teaches a method for operating a healthcare system in a care-giving facility having a medical device, a user interface, a first central computer securely connected to a second central computer having a second database, the method comprising the steps of:

--providing for receiving medical data directly from a medical device (Fig. 26, ele. 830)(see: De La Huerga, paragraph 295 and 296, is met by monitoring device);

--providing for receiving user data directly from the user interface (Fig. 26, ele. 264 and 266)(see: De La Huerga, paragraph 192, 193, 201, 207, 208, and 209, is met by interface including keyboard for to receive input from a controller user);

--providing for receiving second data from the second database in the second central computer (Fig. 31, ele. 630 and 632)(see: De La Huerga, paragraph 259, 260, 271, and 320, is met by the server and its database from which data is provided to the receiving controller) *and from the secure connection* (Fig. 26, ele. 272; and Fig. 31, ele., 272)(see: De La Huerga, paragraph 89, 194, 195, 291, 300, and 320, is met by the network and network protocols);

--providing for retrieving first data from a first database in the first central computer (Fig. 26A, ele. 620 and 622)(see: De La Huerga, paragraph 192, 199, 200-206, is met by controller memory storing patient and pump information, and associated processor able to retrieve and send to the interface the stored information); *and,*

--providing for utilizing a first functional feature set to process at least one of the first data and the second data (see: De La Huerga, paragraph 259-260, 269-271, and 320, is met by the controller upon receiving a prescription order accessing remaining components on dispensed medication information, via a network, from a hospital computer system and database).

21. As per claim 16, De La Huerga teaches the invention as claimed, see discussion of claim 15, and further teaches:

--the medical device and the user interface do not communicate directly with the second central computer (Fig. 26, ele. 630, 632, 272, and 260; and Fig. 26, ele. 830, 255c, 260, 270, and 272, is met by configuration of the controller, medical device, the interface, and the database and server)(see: De La Huerga, paragraph 259-260, 269-271, 295, 296, and 320).

22. As per claim 17, De La Huerga teaches the invention as claimed, see discussion of claim 15, and further teaches:

--providing for sending the second data to the user interface from the first central computer (Fig. 26, ele. 630, 632, 272, and 260; and Fig. 26, ele. 830, 255c, 260, 270, and 272, is met by configuration of the controller, medical device, the interface, and the database and server)(see: De La Huerga, paragraph 259-260, 269-271, 295, 296, and

320, is met by the controller upon receiving a prescription order accessing with the controller interface the remaining components on dispensed medication information, via a network, from a hospital computer system and database).

23. As per claim 18, De La Huerga teaches a healthcare system for a care-giving facility, comprising:

--a medical device (Fig. 17, ele. 108; and Fig. 26, ele. 108a, 108b, 108c, and 108d)(see: De La Huerga, paragraphs 187, is met by IV pumps);

--a user interface (Fig. 17, ele. 106 and 123)(see: De La Huerga, paragraph 145, is met by display, keyboard, and mouse);

--a central validation computer having a validation database (Fig. 17, ele 103, 104, and 105; and Fig. 26, ele. 100a and 100b)(see: De La Huerga, paragraphs 145, 151, and 152, is met by infusion controller, its processor and memory) *and a first functional feature set associated with the data and functions related to the medical device and the user interface* (Fig. 18)(see: De La Huerga, paragraph 151, 152, and 167, is met by delivery parameters), *wherein the medical device and user interface communicate directly and securely with the central validation computer* (see: De La Huerga, paragraph 145, 146, 147, and 149);

--a second central computer having a second database (Fig. 26, ele. 260; and Fig. 26A, ele. 620 and 622)(see: De La Huerga, paragraphs 192, 199, and 200, is met by controller and memory) *and a second functional feature set* (see: De La Huerga, paragraphs 211, 243, is met by alert activator, and indicator activation), *wherein the user interface can receive data from the second database relating to the second*

functional feature set of the second central computer through the central validation computer (Fig. 17, ele. 104, 123, 124, and 255; Fig. 26, ele. 100a, 255a, and 260; and Fig. 26A, ele. 622)(see: De La Huerga, paragraph 149, 151, and 211, is met by the controller activating an indicator via the infusion controller).

24. As per claim 19, De La Huerga teaches the invention as claimed, see discussion of claim 18, and further teaches:

--the central validation computer is securely connected to the second computer computer (Fig. 26, ele. 255a and 255b)(see: De La Huerga, paragraph 149, 195, and 273, is met by the various networks).

25. As per claim 20, De La Huerga teaches the invention as claimed, see discussion of claim 18, and further teaches:

--the medical device and the user interface do not communicate directly with the second central computer (Fig. 17, ele. 100, 104, 123, 124, and 255; and Fig. 26, ele. 100a, 255a, and 260, is met by configuration of the controller, infusion controller, and the interface)(see: De La Huerga, paragraph 149, 151, and 211, is met by the controller activating an indicator via the infusion controller).

26. As per claim 21, De La Huerga teaches the invention as claimed, see discussion of claim 18, and further teaches:

--the central validation computer receives second data from the second database in the second central computer for use in a validation procedure performed by the central validation computer (see: De La Huerga, paragraph 219, is met by infusion

controller validating physician identification with information received from the controller).

27. As per claim 23, De La Huerga teaches the invention as claimed, see discussion of claim 21, and further teaches:

--central validation computer receives first data from at least one of the user interface (see: De La Huerga, paragraph 290, is met by manual change dose via the interface keypad) *and the medical device, and*

--wherein the validation procedure comprises the step of determining whether the first data matches the second data (see: De La Huerga, paragraph 159 and 290, is met by changes to delivery instructions using the interface allowed if verified by the infusion controller as acceptable).

28. As per claim 24, De La Huerga teaches a healthcare system for a care-giving facility, comprising:

--a medical device (Fig. 26, ele. 100a, 100b, and 830)(see: De La Huerga, paragraph 295 and 296, is met by monitoring device and pumps);

--a user interface (Fig. 26, ele. 264 and 266)(see: De La Huerga, paragraph 192, 193, 201, 207, 208, and 209, is met by interface including keyboard for to receive input from a controller user);

--a central validation portion of a central computer having a validation portion of a database (Fig. 26)(see: De La Huerga, paragraph 200-206, 210, 273, and 296, is met by network validation protocols such as Bluetooth among others, and further validates through polling, pump and controller address checks, and ID checks) *and a first*

functional feature set associated with the data and functions related to the medical device and the user interface (Fig. 26)(see: De La Huerga, paragraph 200-211, 273, and 296, is met by controller checking medical monitors and pump status checks, and altering delivery parameters), *wherein the medical device and user interface communicate directly and securely with the central validation portion of the central computer* (Fig. 26, ele. 272; Fig. 26A; and Fig. 31, ele., 272)(see: De La Huerga, paragraph 89, 192, 194, 195, 291, 300, and 320, is met by the network and network protocols, and the controller interface being linked to the processor and memory);

--a second non-validation portion of the central computer having a second non-validation portion of the database and a second functional feature set (Fig. 31, ele. 630 and 632)(see: De La Huerga, paragraph 259, 260, 271, and 320, is met by the server and its database from which data is provided to the receiving controller), *wherein the user interface can receive data from the second non-validation portion of the database relating to the second functional feature set of the second non-validation portion of the central computer through the central validation portion of the central computer* (see: De La Huerga, paragraph 259-260, 269-271, and 320, is met by the controller upon receiving a prescription order accessing remaining components on dispensed medication information, via a network, from a hospital computer system and database).

29. As per claim 25, De La Huerga teaches the invention as claimed, see discussion of claim 24, but fails to specifically teach:

--the central validated portion of the central computer operates in a first environment running a first operating system, and the second non-validation portion of

the central computer operates in a second environment running a second operating system (see: Fig. 26, ele. 260; and Fig. 31, ele. 630)(see: De La Huerga, paragraph 192, 193, 259, 260, and 271, is met by the controller and server operating in their own environments).

Claim Rejections - 35 USC § 103

30. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

31. **Claim 10** is rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent Application Publication 2003/0038392 to De La Huerga in view of Examiner's Official Notice.

32. As per claim 10, De La Huerga teaches the invention substantially as claimed, see discussion of claim 1, and further teaches:

--a plurality of wireless access points through which the user interface communicate with the first central computer (see: De La Huerga, paragraph 194, 195, and 273).

De La Huerga anticipates many wireless embodiments (see: De La Huerga, paragraph 89) but does not specifically teach that the connection between the medical device and the first computer is wireless, instead only that they are "linked" (see: De La Huerga, paragraph 149); however, the Examiner takes official notice that connecting medical devices to computers wirelessly was common, old, and well known to someone

of ordinary skill in the art at the time the invention was made. It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of De La Huerga and Official Notice. The well known elements described are merely a combination of old elements, and in the combination, each element merely would have performed the same function as it did separately, and one of ordinary skill in the art would have recognized that the results of the combination were predictable.

33. **Claim 12, 22, 26, and 28** are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent Application Publication 2003/0038392 to De La Huerga in view of U.S. Patent Application Publication 2003/0105806 to Gayle et al.

34. As per claim 12, De La Huerga teaches the invention substantially as claimed, see discussion of claim 11, but fails to specifically teach:

--the validation procedure comprises the steps of receiving an XML document and determining whether the data expected to be received from the XML document is received.

However, such receiving and determining of XML documents is well known in the art as evidenced by Gayle et al. (see: Gayle et al., paragraph 26). It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of De La Huerga and Gayle et al. The well known elements described are merely a combination of old elements, and in the combination, each element merely would have performed the same function as it did separately, and one of ordinary skill in the art would have recognized that the results of the combination were predictable.

35. As per claim 22, De La Huerga teaches the invention substantially as claimed, see discussion of claim 21, but fails to specifically teach:

--the validation procedure comprises the steps of receiving an XML document and determining whether the data expected to be received from the XML document is received.

However, such receiving and determining of XML documents is well known in the art as evidenced by Gayle et al. (see: Gayle et al., paragraph 26). It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of De La Huerga and Gayle et al. The well known elements described are merely a combination of old elements, and in the combination, each element merely would have performed the same function as it did separately, and one of ordinary skill in the art would have recognized that the results of the combination were predictable.

36. As per claim 26, De La Huerga teaches the invention substantially as claimed, see discussion of claim 25, but fails to specifically teach:

--the first and second operating systems are separated by a fire wall.

However, such firewalls are well known in the art as evidenced by Gayle et al. (Fig. 1, ele. 136)(see: Gayle et al., paragraph 22 and 37). It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of De La Huerga and Gayle et al. The well known elements described are merely a combination of old elements, and in the combination, each element merely would have performed the same function as it did separately, and one of ordinary skill in the art would have recognized that the results of the combination were predictable.

37. As per claim 28, De La Huerga teaches the invention substantially as claimed, see discussion of claim 24, and further teaches:

--the central computer comprises a first server (Fig. 26A, ele. 620 and 622)(see: De La Huerga, paragraph 192, 199, 200-206, is met by controller processor and memory) *and a second separate server* (Fig. 31, ele. 630 and 632)(see: De La Huerga, paragraph 259, 260, 271, and 320, is met by the server and its database), *wherein the central validation portion of the central computer resides in the first server* (Fig. 26)(see: De La Huerga, paragraph 200-206, 210, 273, and 296, is met by network validation protocols such as Bluetooth among others, and further validates through polling, pump and controller address checks, and ID checks), *and wherein the second non-validation portion of the central computer resides on the second server* (Fig. 31, ele. 630 and 632)(see: De La Huerga, paragraph 259, 260, 271, and 320, is met by the server and its database from which data is provided to the receiving controller).

Fails to specifically teach:

--the first and second servers being separated by a fire wall

However, such firewalls are well known in the art as evidenced by Gayle et al. (Fig. 1, ele. 136)(see: Gayle et al., paragraph 22 and 37). It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of De La Huerga and Gayle et al. The well known elements described are merely a combination of old elements, and in the combination, each element merely would have performed the same function as it did separately, and one of ordinary skill in the art would have recognized that the results of the combination were predictable.

38. **Claim 27** is rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent Application Publication 2003/0038392 to De La Huerga in view of legal precedent as cited in the MPEP chapter 2144.04 parts B (Making Integral).

39. As per claim 27, De La Huerga teaches the invention substantially as claimed, see discussion of claim 24, but fails to teach:

--the central computer is a single server.

However, that the central computer is composed of a single server instead of a plurality of servers is merely a matter of obvious design choice (see: MPEP, Chapter 2144.04, part B, Making Integral). It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of De La Huerga and the MPEP. The well known elements described are merely a combination of old elements, and in the combination, each element merely would have performed the same function as it did separately, and one of ordinary skill in the art would have recognized that the results of the combination were predictable.

Conclusion

40. Any inquiry concerning this communication or earlier communications from the examiner should be directed to ROBERT SOREY whose telephone number is (571)270-3606. The examiner can normally be reached on Monday through Friday, 8:30AM to 5:00PM (EST).

41. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Christopher Gilligan can be reached on (571)272-6770. The fax phone

number for the organization where this application or proceeding is assigned is 571-273-8300.

42. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/R. S./
Examiner, Art Unit 3626
17 September 2008

/C Luke Gilligan/
Supervisory Patent Examiner, Art Unit 3626